REMARKS

Reconsideration and allowance in view of the claim amendments and following remarks is respectfully requested.

Upon entry of this Amendment, claims 2 - 11, 13 - 23, 25 - 31, and 33 - 41 will be pending in the present application. Claims 1, 12, 24, and 32 have been cancelled.

The Examiner's allowance of Claims 36 - 41 is acknowledged and the notice that claims 7-9, 18-20, 30, and 31 would be allowable if rewritten in independent form is appreciated.

In the Office Action mailed 9 August 2005, the Examiner rejected claims 1, 10, 11, 12, 21, 22, 23, 24, 33, 34, and 35 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,662,101 to Ogden et al. ("the '101 patent") and rejected claims 1-6, 10-17, and 21-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,805,117 to Ho ("the '117 patent").

In a Final Office Action mailed 7 March 2006, the Examiner stated the following with respect to the § 102(e) rejection related to the '117 patent:

> The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another" or by an appropriate showing under 37 CFR 1.131.

Enclosed is a copy of a "Declaration Under 37 C.F.R. §1.132 to Disqualify Commonly Owned Prior Art" (hereinafter "the Declaration").[1] It is respectfully submitted that the Declaration sufficiently shows that any invention disclosed but not claimed in the '117 patent was derived by the inventor of the above-captioned application, and is thus not the invention "by

[1] The Declaration Under 37 C.F.R. §1.132 to Disqualify Commonly Owned Prior Art was originally submitted with a Response After Final filed on 1 May 2006. The Examiner, in an Advisory Action mailed 9 August 2006, refused to enter the Response After Final claiming that further consideration and/or search would be required.

another". Accordingly, it is requested that the rejection of claims 1-6, 10-17, and 21-29 pursuant to 35 U.S.C. § 102(e) with respect to the '117 patent be withdrawn.

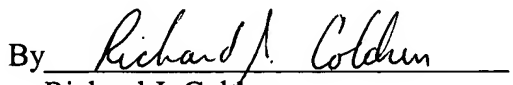
Claims 2, 13, and 25, which define over the '101 patent, are rewritten in independent form to include each limitation of their base claim and any intervening claims. Thus, it is believed that Claims 2, 13, and 25 are allowable. Claims 10 - 11, 21 - 23, and 33 - 35 are amended to depend from claims 2, 13, and 25, respectively. Claims 1, 12, and 24 are canceled.

Claims 3 - 11 depend from allowable claim 2; claims 14 - 23 depend from allowable claim 13; and claims 26 - 31 and 33 - 35 depend from allowable claim 25. As such, it is believed that claims 3 - 11, 14 - 23, 26 - 31, and 33 - 35 are also allowable. Accordingly, it is requested that the rejection of claims 3 - 11, 14 - 23, 26 - 31, and 33 - 35 be withdrawn.

It should be noted that the Response After Final was filed on 1 May 2006, within two months of the mailing date of the Final Office Action (mailed on 7 March 2006). The Final Office Action set a 3 month shortened statutory reply period (7 June 2006). The Advisory Action was mailed on 9 August 2006, a date later than the date set forth in the Final Office Action. Accordingly, it is believed that no fee is required for an extension of time (See MPEP §706.07(f)). If however an extension of time is required, the Commissioner is hereby authorized to charge the required fee to deposit account 50-0558.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

By 

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Attached: Declaration Under 37 CFR §1.132

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